UNITED STATES DISTRICT COURT DISTRICT OF OREGON

KENNETH R. KASHUBA,

Petitioner, 2:15-cv-81-SU

v.

FINDINGS AND RECOMMENDATION

STATE OF OREGON,

Respondent.

Sullivan, Magistrate Judge.

Petitioner filed a petition under 28 U.S.C. § 2254 challenging a July 15, 2011 conviction for which he alleged he was sentenced to "[o]ne year incarceration followed by two years probation." Petition (#2) p. 2.

On January 30, 2015, the court entered an order as follows:

A petition or motion for habeas corpus relief must be filed by a person who is "in custody" at the time of filing. See, 28 U.S.C. §§ 2241(c),

1 - FINDINGS AND RECOMMENDATION

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

	4		or <u>Fax</u>	(703) 746-4000			
INSTRUCTIONS: This for appropriate. All further con indicated unless corrected I maintenance fee notification	below or directed otherwise	smitting the ISSU Patent, advance or in Block 1, by (a)	E FEE and PUBLIC ders and notification) specifying a new co	ATION FEE (if requ of maintenance fees v orrespondence address	ired). Blocks 1 through 5 st vill be mailed to the current ; and/or (b) indicating a sepa	nould be completed where correspondence address as rate "FEE ADDRESS" for	
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)				Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying			
36067 75	590 03/07/2005			papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.			
DALINA LAW (GROUP, P.C.			Cei	rtificate of Mailing or Trans	mission	
7910 IVANHOE A				I hereby certify that this Fee(s) Transmittal is being deposited with the United			
LA JOLLA, CA 92	2037			States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.			
						(Depositor's name)	
						(Signature)	
A DRI ICA TIONI NO	CH DIC DATE		CIDATALANDO DILIDA		Lamonimumooyana	(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/605,158	09/11/2003		Carlo Smith		DD-P0009	2157	
TITLE OF INVENTION: A	PPARATUS AND METHO	D FOR DEGRADI	NG THE INFORMA	TION BEARING CAP	ABILITIES OF A DISK		
APPLN, TYPE	SMALL ENTITY	ISSUE FI	E PL	BLICATION FEE	TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	YES	\$700		\$0	\$700	06/07/2005	
EXAM	IINER	ART UN	IT CI	ASS-SUBCLASS]		
THOMAS,	DAVID B	3723		451-041000			
	e address or indication of "Fe	ee Address" (37	2. For printing on	the patent front page, li	st		
CFR 1.363). Change of correspondence address (or Change of Correspondence			(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,				
Address form P10/SB/122) attached.			(2) the name of a single firm (having as a member a 2				
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.			registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.				
3. ASSIGNEE NAME AND	RESIDENCE DATA TO B	E PRINTED ON T	HE PATENT (print o	or type)			
PLEASE NOTE: Unless recordation as set forth in	an assignee is identified be 37 CFR 3.11. Completion of	low, no assignee of this form is NOT	data will appear on to a substitute for filing	he patent. If an assign g an assignment.	nee is identified below, the de	ocument has been filed for	
(A) NAME OF ASSIGN				Y and STATE OR CO	UNTRY)		
Please check the appropriate	assignee category or categor	ries (will not be pri	nted on the patent):	☐ Individual ☐ C	orporation or other private gro	oup entity Government	
4a. The following fee(s) are	enclosed:		. Payment of Fee(s):	-			
☐ Issue Fee ☐ A check in the amount of the fee(s) is enclosed.							
Publication Fee (No s		Payment by credit card. Form PTO-2038 is attached.					
Advance Order - # of	Copies		The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).				
	(from status indicated above	,	D. A	la constituit SNA	I ENTITY A A COLOR	ED 1 27(-)(2)	
	MALL ENTITY status. See 1				LL ENTITY status. See 37 CI		
NOTE: The Issue Fee and Printerest as shown by the reco	ublication Fee (if required) words of the United States Pate	vill not be accepted ent and Trademark	from anyone other the Office.	re-apply any previouslian the applicant; a reg	y paid issue fee to the applica istered attorney or agent; or th	tion identified above. le assignee or other party in	
Authorized Signature				Date			
Typed or printed name			Registration No				
This collection of informatic an application. Confidentiali submitting the completed ap this form and/or suggestions Box 1450, Alexandria, Virgi	on is required by 37 CFR 1.3 ty is governed by 35 U.S.C. uplication form to the USPT for reducing this burden, shinia 22313-1450. DO NOT	11. The information 122 and 37 CFR 1 0. Time will vary ould be sent to the SEND FEES OR C	n is required to obtain .14. This collection i depending upon the i Chief Information O COMPLETED FORM	or retain a benefit by s estimated to take 12 ndividual case. Any co fficer, U.S. Patent and S TO THIS ADDRESS	the public which is to file (and minutes to complete, includin mments on the amount of tir Trademark Office, U.S. Depa S. SEND TO: Commissioner	by the USPTO to process) g gathering, preparing, and ne you require to complete artment of Commerce, P.O. for Patents, P.O. Box 1450,	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,158 09/11/2003		Carlo Smith	DD-P0009	2157
36067	7590 03/07/2005		EXAMINER	
DALINA LAV 7910 IVANHOR	V GROUP, P.C.	THOMAS, DAVID B		
LA JOLLA, CA			ART UNIT	PAPER NUMBER
			3723	
			DATE MAILED: 03/07/200	5

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

timely file objections to any factual determinations of the

Magistrate Judge will be considered a waiver of a party's

right to de novo consideration of the factual issues and will

constitute a waiver of a party's right to appellate review of

the findings of fact in an order or

judgment entered pursuant to the Magistrate Judge's

recommendation.

Certificate of Appealability

Should petitioner appeal, a certificate of appealability

should be denied as petitioner has not made a substantial

showing of the denial of a constitutional right. See, 28

U.S.C. § 2253(c)(2).

DATED this 11^{th} day of March, 2015.

<u>/s/ Patricia Sullivan</u>

Patricia Sullivan

United States Magistrate Judge